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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,445	02/22/2001	Francois Pommier	041206.024	6242

7590 06/15/2006

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Promenade II Suite 3100  
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Atlanta, GA 30309-3592

EXAMINER
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BLAKE, CAROLYN T

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/763,445

Applicant(s)

POMMIER, FRANCOIS

Examiner

Carolyn T. Blake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-80 is/are pending in the application.
- 4a) Of the above claim(s) 41-62, 66, 67, 70-75 and 78-80 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 63-65, 68, 69, 76 and 77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the amendment and remarks filed on April 4, 2006.
2. The objection to the drawings is withdrawn in view of the amendment.
3. The objection to the specification is withdrawn in view of the amendment.
4. The objection to the claims is withdrawn in view of the amendment.
5. The rejection of the claims under 35 USC § 112 and 35 USC § 101 is withdrawn in view of the amendment.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

7. Claims 63, 68, 69, 76, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber (5,092,829) in view of Gerber et al (3,495,492).

Regarding claim 63, Gerber ('829) discloses a system substantially as claimed including: a cutting table (section of table 12 below the cutting tool); a cutting tool (19); a carriage (24) for moving the cutting tool (19) above the cutting table; a control unit (40) to move the cutting tool (19); at least one unloading tool (144) for automatically unloading stacks of cut-out pieces (P); an unloading tool support (141, 142) for moving the unloading tool (144) and connected (by cable 146) to the control unit (40) in order to move the unloading tool (144) adjacent to the stacks of cut-out pieces (P) to be unloaded; an unloading table (section of table 12 between the unloading tool) above which the unloading tool may be moved, wherein the control unit (40) is capable of: controlling the relative movement between the cutting tool (19) and the lay-up (L) in

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order to cut up the skeleton (S) into a plurality of portions; and controlling the movements of the unloading tool (140) in order to move the unloading tool (140) into contact with the stacks of the cut-out pieces that arrive with a lay-up on a surface of the unloading table situation downstream from the cutting table, and to take off the stacks of cut-out pieces successively from the remainder of the lay-up by moving them over the unloading table and by moving them substantially parallel to the surface of the unloading table. Gerber ('829) fails to disclose a conveyor for moving the lay-up. However, Gerber et al ('492) disclose a table adapted for conveying stacks of sheet material comprising a conveyor (such as conveyor belt 112) for moving a lay-up (14) to a cutting station. The conveyor allows for mass production by automatically moving a lay-up to the desired location. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a conveyor, as disclosed by Gerber et al ('492), on the Gerber ('829) device for the purpose of mass production.

Regarding claim 68, Gerber ('829) discloses the unloading tool (144) is mounted to move between a raised position (such as in FIG 1) and a lowered position so that the unloading tool (144) comes to bear against the top surface of a stack of cut-out pieces by being moved from its raised position to its lowered position.

Regarding claim 69, Gerber ('829) discloses the unloading tool (144) is mounted on the unloading tool support (141, 142) which moves parallel to the surface of the unloading table, the unloading tool further being mounted to rotate relative to the unloading tool support (141, 142) about an axis perpendicular to the surface of the unloading table.

Regarding claims 76 and 77, Gerber ('829) discloses the use of a bin for receiving stacks of cut-out pieces. See col. 4, lines 12-18.

8. Claims 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber ('829) in view of Gerber et al ('492) as applied to claim 63 above, and further in view of Gerber (6,308,602).

The modified device of Gerber discloses an unloading table with a plurality of orifices (44), but fails to disclose the use of a blower to support the stacks via a cushion of air. However, Gerber ('602) teaches reversing a vacuum source to blow air up through the table and reduce friction with the work surface (see col. 6, lines 5-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the vacuum, as disclosed by Gerber ('602), on the of the modified Gerber device in order reduce friction between the work piece and work surface and easily move the work piece.

### ***Response to Arguments***

9. Applicant's arguments filed April 4, 2006 have been fully considered but they are not persuasive.

Applicant argues the modified Gerber '829 reference does not teach an unloading tool capable of moving parallel to the surface of an unloading table, but rather a tool that moves perpendicular to the table. This is incorrect. While the Gerber unloading tool may need to move perpendicular to the table initially, the tool is then capable of moving substantially parallel to the table as claimed. Note the joints in the

arm. In addition, the claim are in open format, and thus do not exclude the tool from moving perpendicular to the table before moving parallel.

Furthermore, Applicant is reminded the claims are directed to an apparatus, and not a method. As such, the references cited do not have to teach the steps claimed, but must merely be capable of performing the steps. In the instant case, the modified Gerber '829 reference is capable of all the steps claimed.

While the examiner agrees there are differences between Applicant's device and the prior art of record, these differences have not been positively claimed.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-

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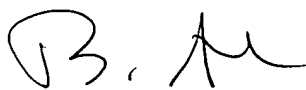
4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

CB  
June 7, 2006

  
**BOYER D. ASHLEY**  
**SUPERVISORY PATENT EXAMINER**